In The High Court of Judicature for Rajasthan
At
Jaipur Bench, Jaipur

O R D E R

In

S.B. Criminal Misc. Bail Application No.7480/2006
Pooran Singh and others Vs. State of Rajasthan

Date Of Order :: 5th December, 2006

Hon'ble Mr. Justice Jitendra Ray Goyal

Mr. D.K. Garg with
Mr. J.P. Gupta, counsel for petitioner.
Mr. R.P. Kuldeep, Public Prosecutor for State.

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Heard learned counsel for accused petitioner, learned Public Prosecutor for the State and perused the material produced during the course of arguments.

It is contended on behalf of the accused petitioners that accused petitioner Jitendra has not been named in the FIR and the accused petitioner Padam Singh was not present at the spot but he was on duty who took the bus of RSRTC on 3/8/2006 at 8:15 am and reached Dholpur at 4:50 pm on the same day and a certificate has also been issued in this regard by the Manager, RSRTC, Dholpur. It is also submitted that the accused petitioner Pooran has also falsely been implicated in this matter and no specific overt-act has been assigned to him and no injury was sustained on any vital part of the body by injured Manoj Kumar.

Learned Public Prosecutor opposed the bail

application and contended that Manoj Kumar sustained two fractures and he received 11 injuries on various parts of the body. It is also submitted that the accused petitioner Pooran has been specifically named and his specific role has also been assigned and so far accused petitioner Padam is concerned he has also been named in the FIR.

Without making any observations on merits, having considered the rival submissions made at the bar, nature of accusation and the allegations levelled against the accused petitioner Pooran, material on record and all other facts and circumstances, I do not deem it proper to grant the benefit of pre-arrest bail to accused petitioner Pooran but so far other accused petitioners Jitendra and Padam are concerned, keeping in view that the name of the accused petitioner Jitendra does not find place in the FIR, from the certificate issued by the Manager, RSRTC, Dholpur it is revealed that the accused petitioner Padam was on duty as a driver who reached Dhdolpur at 4:50 pm on 3/8/2006 while the incident is said to have occurred in between 2 to 3 pm on 3/8/2006, I deem it proper to grant the benefit of pre-arrest bail to accused petitioners Jitendra and Padam.

In the result, the bail application of Pooran is rejected and that of the accused petitioners Jitendra and Padam is allowed and it is directed that in the event of arrest of petitioners Jitendra S/o. Hori Lal and Padam Singh S/o. Megh Singh, they shall be

released on bail by the concerned SHO/Investigating Officer in FIR No.207/2006 registered at Police Station Nihalganj (Dholpur) provided each of them furnishes a personal bond in the sum of Rs.10,000/- together with two sureties each in the sum of Rs.5,000/- to the satisfaction of the concerned SHO/Investigating Officer on the following conditions :-

1. that they shall make themselves available for interrogation by a police officer as and when required;
2. that they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or any police officer; and
3. that they shall not leave India without previous permission of the Court.

(J.R. Goyal),J

VS Shekhawat/-
Jr. P.A.